

EXHIBIT C

TO THE DECLARATION OF MICHAEL C. HARTMERE

VENABLE[®] LLP



Nicholas M. DePalma

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profile

Nicholas DePalma is an associate in Venable LLP's Commercial Litigation Group, where he assists clients in business litigation matters, including disputes involving fraud, breach of contract, false advertising, unfair competition, and tortious interference.

Mr. DePalma is experienced in all phases of commercial litigation. He has served as first chair in jury trials, directed and cross-examined expert witnesses, handled mediation and arbitration matters, and negotiated settlement agreements. Mr. DePalma also has an active pro bono practice in which he regularly represents indigent criminal defendants.

Mr. DePalma graduated first in his class from the William and Mary School of Law in 2006, where he served on the William & Mary Law Review.

AREAS OF PRACTICE

Litigation
Commercial Litigation
Advertising and Marketing
Litigation

INDUSTRIES

Financial Services

BAR ADMISSIONS

Virginia
District of Columbia

COURT ADMISSIONS

U.S. Court of Appeals for
the Fourth Circuit
U.S. Court of Appeals for
the First Circuit
U.S. District Court for the
Eastern District of Virginia
U.S. District Court for the
District of Columbia
U.S. Bankruptcy Court for
the Eastern District of
Virginia

EDUCATION

J.D., William and Mary

SIGNIFICANT MATTERS

Lanham Act False Advertising Cases

- Represented poultry company; enjoined a rival company's national advertising campaign that included a health claim (and successfully reversed an adverse federal agency action in a parallel proceeding).
- Represented a consumer products company; enjoined competitor's promotional campaign made to retailers and distributors concerning anticipated regulatory action.
- Represented an online retailer in several lawsuits against competitors (obtained favorable settlements).

Financial Services Litigation

- Obtained summary judgment for large financial institution in purported class action involving default and foreclosure practices for residential mortgage loans.
- Obtained dismissal of all claims for residential mortgage loan originator in case involving claims for alleged breaches of representations and warranties.
- Obtained dismissal of all claims for large financial institution in purported class action involving mortgage modification practices.

Contract and Business Disputes

- Obtained preliminary injunction for plaintiff in case involving an Internal Revenue Code Section 509(a)(3) supporting organization.
- Obtained dismissal of all counts and an award of attorney's fees in a US\$6 million suit for fraudulent inducement.
- Recovered US\$137 million from debtor's bankruptcy estate held in connection with a like-kind exchange transaction.

School of Law, 2006
Order of the Coif
Order of Barristers

B.A., *with distinction*,
George Mason University,
2003

MEMBERSHIPS

Fairfax Bar Association

Federal Bar Association

Barrister, George Mason
American Inn of Court